

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

OCTOBER 1, 2013

Be it remembered that the regular meeting of the Tupelo City Council was held in the Council Chambers at the City Hall Building on Tuesday, October 1, 2013, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, Lynn Bryan, Jim Newell, Nettie Y. Davis, Buddy Palmer, Mike Bryan and Willie Jennings; City Attorney John S. Hill; and Glenda Muse, Clerk of the Council.

The invocation was led by Rev. Shandy Dill, Student Minister of First Baptist Church; followed by the Pledge of Allegiance led by Boy Scout Miller Lipscomb of Troop 12.

IN THE MATTER OF CALLING THE MEETING TO ORDER

President Davis called the regular City Council meeting to order at 6:00 p.m.

IN THE MATTER OF CONFIRMATION OR
AMENDMENT OF AGENDA AND AGENDA ORDER

Upon a motion by Councilman M. Bryan, seconded by Councilman Whittington, the council voted unanimously to confirm the agenda and agenda order, amended as follows:

ADD: Study Item #8.2 Video Services Agreement

4. PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA

IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS

Members of Boy Scout Troop 12 sponsored by First United Methodist Church were present, along with their Merit Badge Counselor Duke Loden. The scouts are working on their Citizenship in the Community Merit badge. Those present included Miller Lipscomb, J. C. Bailey, Hank Leathers, and Danny Sanders, Jr.

IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

No city employees were present for recognition.

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IN THE MATTER OF PUBLIC RECOGNITIONS

The following public recognitions were made by City Council Members:

President Nettie Davis – Requested City Attorney John S. Hill, member of the firm of Mitchell, McNutt & Sams, to come forward at which time she presented him with a gift certificate from the members of the City Council for his loyal and valuable service to Tupelo for several years. The law firm of Mitchell, McNutt & Sams has served the City of Tupelo as legal advisors for approximately forty years.

Councilman Jennings – Recognized the presence of several pastors in the audience as well as Attorney Kenneth Mayfield.

President Davis – Invited all citizens to come out on October 12, 2013, for the annual Community Forward Festival to be held at Gumtree Park on Front Street beginning with a parade at 1:00 p.m. This event has as its goal to build a better working relationship between the Tupelo Police Department and the community as a whole. Many activities have been scheduled to be enjoyed by children as well as the entire family.

**IN THE MATTER OF PROCLAMATION IN RECOGNITION OF
“FIRE PREVENTION WEEK”**

Mayor Shelton read a proclamation and presented the same to Chief Thomas Walker of the Tupelo Fire Department in recognition of “Fire Prevention Week” to be proclaimed October 6 – 12, 2013, throughout the city. The proclamation centers on home fires which are the locations where people are at greatest risk from fires. Home fires killed more than 2,500 people in the United States in 2011, with cooking being the leading cause of fires. Two of every five home fires start in the kitchen. The theme of the 2013 Fire Prevention Week is “Prevent Kitchen Fires!” reminding everyone to stay alert and use caution when cooking to reduce the risk of kitchen fires.

IN THE MATTER OF MAYOR’S REPORT

Following are highlights of Mayor Shelton’s report for tonight’s meeting:

...Recognized the following employees who do not appear on the list for confirmation as Department Heads later on in the meeting:

Josh Abramson serves as Executive Director of the Tupelo Regional Airport but reports directly to the Tupelo Airport Authority and not to the Mayor.

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...Contanna Purnell serves as Assistant Director of Human Resources and works along with only one other employee under the direction of Department Head Cassandra Moore. Even though there are only three employees in this small department, Mayor Shelton pointed out they are responsible for all 450 or so city employees in assisting in many areas, such as insurance, hiring, salaries and benefits for all employees.

...Sally Williams was recognized for her outstanding assistance rendered the Mayor during his first three months in the position. He said she had gone well above the call of duty in carrying out the function of Executive Assistant and he was very complimentary of her in the way she had conducted herself.

...Todd Hunt serves as Director of the BancorpSouth Arena/Coliseum, but as mentioned above concerning Mr. Abramson, Mr. Hunt answers directly to the Tupelo Coliseum Commission and is not considered a department head reporting directly to the Mayor.

...Larry Montgomery is the Court Administrator of Tupelo Municipal Court but the Senior Judge of the court is the acting Department Head. Mr. Montgomery is a Captain with the Tupelo Police Department and is assigned the duties of Court Administrator of the Tupelo Municipal Court in its day-to-day operations.

...Debbie Brangenberg is the Director of the Downtown/Main Street Association and as such is responsible for many activities in this regard. She oversees various and sundry successful entertainment events conducted throughout the year and with the aid of many, many volunteers brings crowds of people downtown, not only from Tupelo but from many other areas of the country and world.

...Mayor Shelton had waited tables the previous night at Fairpark Grill to raise money for the Susan G. Komen "Race for the Cure" event. He thanked owner Bernard Bean and all his crew for hosting the "Eat With Us" event. All tips, including those of the waiters, were donated to this cause.

...On September 28, 2013, Mayor Shelton had spoken at the Lee County NAACP Banquet and he stated he was honored to do so and help promote goals of unity and togetherness with this group.

...Mayor Shelton urged everyone to come out this Friday night when the unbeaten Golden Wave football team meets the unbeaten Grenada Chargers.

...On October 3, 2013, the "Hops and Stops" will be held in downtown Tupelo.

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...The annual Fall Chili Festival and Tupelo High School Homecoming are both scheduled for October 11, 2013. The Homecoming Parade is to be held on October 10, 2013, and will end at Fairpark.

...Mayor Shelton has been working with staff at Tupelo High School and has been asked to be a mentor for a group of four senior boys who are working on a public fitness program as their senior project. Four public fitness events are planned plus a zombie run. Continuing the work with the Healthy Task Force, Mayor Shelton and City Hall will host a fitness summit similar to the recent housing summit. He invited everyone to come out as the four senior students will be speaking at the event. Following this summit, a free public fitness event is planned for 6:00 p.m. at Fairpark. The goal is to first allow these students to meet their credit by their project and secondly the Mayor and City Council's goal is to create public awareness of public fitness in our community.

(President Davis then closed the regular meeting and opened the Public Agenda.)

5. PUBLIC AGENDA

5.1 PUBLIC HEARINGS

5.1.A IN REGARD TO RE-ZONING OF PROPERTY LOCATED AT 2235 WEST MAIN STREET

No one appeared to address this issue.

5.1.B LISTING OF LOT MOWING OF PROPERTIES

No one appeared to address this issue.

5.2 CITIZENS' HEARINGS

5.2.A IN REGARD TO LIS PENDENS ON 1612 FORREST STREET – STEWART AND STEPHANIE MAXCY

Councilman M. Bryan offered a motion to suspend the rules to allow another person, the prospective buyer of this property, to speak if he so desired. The motion was seconded by L. Bryan and unanimously approved by a vote of the council.

Owner Stewart Maxcy requested that the lis pendens against the property be removed in order to sell the property. Mr. Bishop

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Roberts, prospective buyer, stated he knew it was not up to code and not habitable as is but had plans to renovate/rehab the property and bring it up to code standards.

President Davis advised that the matter would come up later on the agenda for further consideration.

(President Davis then closed the Public Agenda and the council returned to regular session.)

6. ACTION AGENDA

IN THE MATTER OF REVIEW/APPROVE CITY OF TUPELO DEVELOPMENT CODE

This item had been tabled on September 17, 2013. Upon a motion by Councilman Whittington, seconded by Councilman L. Bryan, the council voted unanimously to bring the matter off the table for action at this time.

Councilman Whittington moved that the City of Tupelo Development Code be approved, and the motion was seconded by Councilman L. Bryan. Councilman Jennings stated he was going to support the motion but wanted to be sure the whole city would be covered and that some areas not be neglected. He is particularly concerned about the south Tupelo area and felt it has not been given the attention it deserves. Councilman Newell echoed Councilman Jennings' remarks and challenged the Mayor and City Council to come up with a plan to make south Tupelo a proud part of the city, both commercially and residentially.

Vote was then taken on the motion which vote was unanimous.

IN THE MATTER OF REVIEW/APPROVE NEW CITY ZONING MAP

This item was tabled on August 20, 2013. Upon a motion by Councilman M. Bryan, seconded by Councilman Palmer, the council voted unanimously to bring the matter off the table for consideration at this time.

Upon a motion by Councilman Whittington, seconded by Councilman Palmer, the council voted unanimously to approve a new city-wide zoning map. This map is a part of the new Development Code approved by the council in the previous item of these minutes.

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IN THE MATTER OF REVIEW/ADOPT ORDINANCE AMENDING TRANSIENT VENDOR ORDINANCE

On September 7, 1982, the City of Tupelo had adopted an Ordinance for Licenses and Miscellaneous Business Regulations relating to transient vendors in the city. Due to recent problems, an amended ordinance was presented to the council pertaining to Section 1. Subsection 15-163 providing more restrictions on vendors as to hours of solicitation, number of solicitors and number of calls allowed. Section 2, Subsection 15-156 is amended as to an administrative license of \$250.00 to be charged.

Upon a motion by Councilman M. Bryan, seconded by Councilman Newell, the council voted unanimously to adopt this amended ordinance, a copy of which is attached to these minutes and incorporated herein as **APPENDIX A.**

IN THE MATTER OF REVIEW/ADOPT ORDINANCE RE-ZONING PROPERTY AND AMENDING OFFICIAL ZONING MAP

This item pertains to a request for re-zoning of property located at 2235 West Main Street. Due to the adoption of the City of Tupelo Development Code (see above), this matter becomes moot and no further action is needed. In order to remove from agenda, Councilman L. Bryan moved to amend the ordinance to conform with the previously adopted City of Tupelo Development Code. The motion was seconded by Councilman Palmer and unanimously approved by a vote of the council.

7. ROUTINE AGENDA

IN THE MATTER OF REVIEW/APPROVE MINUTES OF REGULAR COUNCIL MEETING OF TUESDAY, SEPTEMBER 17, 2013

Upon a motion by Councilman Palmer, seconded by Councilman Jennings, the council voted unanimously to approve the minutes of the regular city council meeting of Tuesday, September 17, 2013.

IN THE MATTER OF REVIEW/PAY BILLS

Upon a motion by Councilman L. Bryan, seconded by Councilman Whittington, the council voted unanimously to approve payment of the following checks, bills having been reviewed at 4:30 p.m. by Councilmen Whittington, L. Bryan, Newell, Davis and Palmer:

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Check Nos. 114543 through 114976 (Pool Cash Fund)
Electronic transfers as shown on the face of the docket.
Invoices as shown on the face of the docket.

Requests made by AFLAC to reimburse employees under
Flex-One Plan as shown on the face of the docket.

**IN THE MATTER OF REVIEW/APPROVE APPOINTMENTS OF DEPARTMENT
HEADS AND OTHER POSITIONS AS RECOMMENDED BY MAYOR JASON L.
SHELTON**

Mayor Shelton had presented to the City Council a list of persons he has recommended for appointment to fill Department Head and other positions. The council chose to consider these individually and their actions follow:

Upon a motion by Councilman Jennings, seconded by Councilman Newell, the council voted unanimously to approve the appointment of Donald “Don” Lewis as Chief Operations Officer effective October 1, 2013.

Upon a motion by Councilman L. Bryan, seconded by Councilman M. Bryan, the council voted unanimously to approve the appointment of Kim Hanna as City Clerk effective October 1, 2013.

Upon a motion by Councilman L. Bryan, seconded by Councilman Whittington, the council voted unanimously to approve the appointment of Lynn Norris as Chief Financial Officer effective October 1, 2013.

Upon a motion by Councilman M. Bryan, seconded by Councilman Newell, the council voted unanimously to approve the appointment of Jay Weir as City Judge 1 effective October 1, 2013.

Upon a motion by Councilman Jennings, seconded by Councilman L. Bryan, the council voted unanimously to approve the appointment of Willie Allen as City Judge 2 effective November 1, 2013.

Upon a motion by Councilman M. Bryan, seconded by Councilman Whittington, the council voted unanimously to approve the appointment of Richard Babb as City Prosecutor effective 1, 2013.

Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted unanimously to approve the appointment of Neal McCoy as Director of the Convention and Visitors Bureau effective October 1, 2013

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Upon a motion by Councilman Palmer, seconded by Councilman Whittington, the council voted unanimously to approve the appointment of B. J. Teal as Director of the Development Services Department effective October 1, 2013.

Upon a motion by Councilman M. Bryan, seconded by Councilman Jennings, the council voted unanimously to approve the appointment of Thomas D. Walker as Chief of the Tupelo Fire Department effective October 1, 2013

Upon a motion by Councilman Jennings, seconded by Councilman Palmer, the council voted unanimously to approve the appointment of Cassandra Moore as Director of the Human Resources Department effective October 1, 2013.

Upon a motion by Councilman Jennings, seconded by Councilman Newell, the council voted as follows to approve the appointment of Benjamin “Ben” Logan as Legal Counsel for the City of Tupelo effective October 1, 2013. The appointment will be for a one- year term at which time the position will be reviewed and evaluated as to its effectiveness. Councilman Whittington commented that he had voted against the budget with this position included, but he felt Attorney Logan to be highly qualified, both as a former Alderman of the city and having served as Mayor of the City of Sherman, and he would support this recommendation. Councilman M. Bryan explained his position and the reason for his vote on the issue. He said he had known Mr. Logan for a long time and his vote tonight would be his opposition to the position of in-house Legal Council and in no way was a reflection on Mr. Logan or his capabilities. Mayor Shelton stated that the firm of Mitchell, McNutt & Sams would still be retained as outside counsel for the city.

VOTING AYE: Whittington, L. Bryan, Newell, Davis, Palmer, Jennings
VOTING NAY: M. Bryan

Upon a motion by Councilman Jennings, seconded by Councilman Palmer, the council voted unanimously to approve the appointment of Alex Farned on an interim basis as Parks and Recreation Department effective October 1, 2013.

Upon a motion by Councilman Whittington, seconded by Councilman M. Bryan, the council voted unanimously to approve the appointment of Steven “Bart” B. Aquirre as Chief of the Tupelo Police Department effective October 14, 2013.

Upon a motion by Councilman Jennings, seconded by Councilman Newell, the council voted unanimously to approve the appointment of Johnny Timmons as Manager of the Tupelo Water & Light Department effective October 1, 2013.

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IN THE MATTER OF REVIEW/APPROVE NEW FEES FOR AQUATIC CENTER

Upon a motion by Councilman Whittington, seconded by Councilman Palmer, the council voted as follows to approve the fee schedule for the new Tupelo Aquatic Center soon to be opened in Veterans Park. This information, including comparisons with other cities, had been presented to the Mayor and City Council by Don Lewis, Director of the Tupelo Parks and Recreation Department, and several work sessions had been held to discuss the matter.

Councilman Jennings' concern was that the facility be affordable for all people and accessible to everyone, especially the handicapped. Councilman Newell stated the fees were too high and presented statistics from other cities with comparable facilities and with much lower fees.

Vote taken on the matter was as follows:

VOTING AYE: Whittington, L. Bryan, Davis, Palmer, M. Bryan, Jennings
VOTING NAY: Newell

**IN THE MATTER OF REVIEW/APPROVE RELEASE OF LIS PENDENS ON
PROPERTY LOCATED AT 1612 FORREST STREET**

The owners of this property, Stewart and Stephanie Maxcy, along with a prospective buyer, had appeared earlier in this meeting during a Citizen's Hearing. The Maxcy's had requested through the Development Services Department that a lis pendens on the property be removed since this legal instrument prevents the sale of the property without the city's approval.

Councilman M. Bryan moved to approve the request and remove the lis pendens from the property. However, the motion failed due to lack of a second.

Councilman L. Bryan offered a motion that the matter be tabled; the motion was seconded by Councilman M. Bryan and unanimously approved by a vote of the council.

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**IN THE MATTER OF REVIEW/APPROVE MDOT EASEMENT AND
CONSTRUCTION AGREEMENT ON HWY 78 /BARNES CROSSING INTERCHANGE**

John Crawley, City Engineer, had submitted an Easement and Construction Agreement between the Mississippi Transportation Commission and the City of Tupelo which depicts the

proposed work on Project No. STP-0006-02(027), Interchange at US 78 and Coley Road/Barnes Crossing Road. The Commission proposes to construct a new interchange at US 78 and Coley Road/Barnes Crossing, and the City of Tupelo is current owner of the property or the easements underlying all city streets shown on plans and specifications for this project. By execution of this document, the City of Tupelo hereby grants permission for the Commission to perform this project which will connect Coley Road on the south side and Barnes Crossing Road on the north side to an interchange on U. S. Highway 78, which will be constructed on MDOT right-of-way.

Upon a motion by Councilman L. Bryan, seconded by Councilman Whittington, the council voted unanimously to approve an Easement and Construction Agreement between the Mississippi Transportation Commission and the City of Tupelo in order that this project may move forward. An executed copy of the same is attached hereto and incorporated into these minutes as **APPENDIX B.**

**IN THE MATTER OF REVIEW/APPROVE AIRPORT DEVELOPMENT
AGREEMENT WITH MISSISSIPPI TRANSPORTATION COMMISSION TO
PROVIDE MATCHING GRANT**

Upon a motion by Councilman L. Bryan, seconded by Councilman M. Bryan, the council voted unanimously to approve an Airport Agreement between the City of Tupelo, Mississippi, the Tupelo Airport Authority and the Mississippi Transportation Commission whereby the City of Tupelo agrees to provide \$3,810, which is one-half of the local share of the project cost (5% of the total cost). Project referred to is AIP Project No. 3-28-0070-038-2013, "Acquire emergency generator; improve perimeter fencing; conduct Wildlife Hazard Management Plan". An executed copy of this Airport Agreement is attached to these minutes and incorporated herein as **APPENDIX C.**

**IN THE MATTER OF REVIEW/APPROVE TUPELO SPORTS COUNCIL
AGREEMENTS FOR 2014**

Upon a motion by Councilman Palmer, seconded by Councilman M. Bryan, the council voted unanimously to approve the following agreements between the City of Tupelo and the Tupelo Sports Council and its member associations for the period October 1, 2013 to September 30, 2014. Copies of each are attached to these minutes

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and incorporated herein as **APPENDIX D.**

Northeast Mississippi Umpire Association
Tupelo Aquatic Club Agreement with the Tupelo Sports Council, Inc.
Tupelo Aquatic Club Agreement with City of Tupelo
Tupelo Basketball Association Agreement with the Tupelo Sports Council, Inc.
Tupelo Basketball Association Agreement with City of Tupelo

Tupelo Disc Golf Association Agreement with the Tupelo Sports Council, Inc.
Tupelo Disc Gold Association Agreement with City of Tupelo
Tupelo Football Association Agreement and Tupelo Sports Council, Inc.
Tupelo Football Association Agreement with City of Tupelo
Tupelo Fourth of July Celebration Association Agreement with Tupelo Sports Council, Inc.
Tupelo Fourth of July Celebration Agreement with City of Tupelo
Friends of the Park Agreement with Tupelo Sports Council, Inc.
Friends of the Park Agreement with City of Tupelo
Tupelo Skate Park Association Agreement with Tupelo Sports Council, Inc.
Tupelo Skate Park Association Agreement with City of Tupelo
Tupelo Softball Association Agreement with Tupelo Sports Council, Inc.
Tupelo Softball Association Agreement with City of Tupelo
Tupelo Therapeutic Recreation Association Agreement and Tupelo Sports Council, Inc.
Tupelo Therapeutic Recreation Association Agreement with City of Tupelo
Tupelo Youth Baseball Association Agreement with Tupelo Sports Council, Inc.
Tupelo Youth Baseball Association Agreement with City of Tupelo
Tupelo Youth Soccer Association Agreement with Tupelo Sports Council, Inc.
Tupelo Youth Soccer Association Agreement with City of Tupelo
Veterans Council Agreement with Tupelo Sports Council, Inc.
Veterans Council Agreement with City of Tupelo

IN THE MATTER OF REVIEW/APPROVE RENEWAL CONTRACT BETWEEN CITY OF TUPELO AND FRANKS, FRANKS & JARRELL, PA

Upon a motion by Councilman Palmer, seconded by Councilman M. Bryan, the council voted unanimously to approve a renewal contract between the City of Tupelo, Mississippi, and the firm of Franks, Franks, & Jarrell, PA, to perform auditing services for the city. The term of the contract for the General City Audit and the Electric Audit will be for one year, ending September 30, 2014, for the General City Audit and June 30, 2014, for the Electric Audit. Fee schedule is General City of Tupelo \$35,000 and Electric Department \$11,000.

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IN THE MATTER OF REVIEW/AWARD/REJECT BIDS FOR TUPELO PUBLIC WORKS DEPARTMENT

Upon a motion by Councilman L. Bryan and a second by Council Palmer, the council voted unanimously to award the following bid for the Tupelo Public Works Department as recommended by Chuck Williams, Interim Director of that Department:

1300PW Uniform Rental

Mr. Williams recommended Paramount be awarded the bid for the rental of uniforms as the lowest and best bidder and, also, that G & K Service be approved as an alternate bidder. A copy of the complete package is attached hereto and made a part of these minutes as **APPENDIX E.**

IN THE MATTER OF REVIEW/APPROVE MUNICIPAL COMPLIANCE QUESTIONNAIRE

Upon a motion by Councilman M. Bryan and a second by Councilman Newell, the council voted unanimously to approve the Municipal Compliance Questionnaire as submitted by City Clerk Kim Hanna. The period of time covered by this questionnaire is 10/1/2012 to 9/30/13. A copy is attached to these minutes as **APPENDIX F.**

IN THE MATTER OF REVIEW/APPROVE UPDATED FIXED ASSETS POLICY

By memorandum dated October 1, 2013, to the Mayor and City Council, Kim Hanna, City Clerk, advised that the city is currently categorizing all fixed assets as directed by the State Auditor under the State of Mississippi's fixed asset policy. The State increased the minimum amount of an asset from \$500 to \$1,000. Ms. Hanna advises that adopting this threshold would reduce the amount of administrative time spent maintaining Tupelo's fixed assets.

Upon a motion by Councilman Whittington, seconded by Councilman Newell, the council voted unanimously to adopt the State of Mississippi's policy recognizing that the threshold has increased to \$1,000. A copy of the policy is attached to these minutes and incorporated herein as **APPENDIX G.**

IN THE MATTER OF REVIEW/APPROVE INTERLOCAL AGREEMENT FOR COLLECTION OF TAXES BETWEEN THE CITY OF TUPELO AND LEE COUNTY, MISSISSIPPI

Upon a motion by Councilman L. Bryan, seconded by Councilman Palmer, the
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council voted unanimously to approve an Interlocal Agreement for Collection of Taxes between the City of Tupelo, Mississippi, and Lee County, Mississippi. The term of this agreement shall be for one (1) year commencing October 1, 2013 and ending September 30, 2014. For the collection of city taxes, the city agrees to pay to Lee County a fee of One Hundred and Twenty Thousand Dollars (\$120,000) per year during the term of this agreement. An executed copy of the agreement setting forth all terms and conditions is attached hereto as **APPENDIX H.**

IN THE MATTER OF REVIEW/APPROVE LISTING OF LOT MOWINGS

Councilman Jennings moved to approve a listing of lot mowings submitted by the Department of Development Services as being in such a state of uncleanness as to be a menace to public health, safety and welfare of the community, thereby authorizing the department to proceed with mowing of these properties. The motion was seconded by Councilman Whittington and unanimously passed by a vote of the council. A public hearing had been conducted earlier in the meeting with no one appearing concerning any of the properties. A copy of the list is attached hereto and incorporated into these minutes as **APPENDIX I.**

8. STUDY AGENDA

IN THE MATTER OF REVIEW/DISCUSS MANAGEMENT AGREEMENT FOR ROB LEAKE CITY PARK TENNIS FACILITY

At the request of Council Members Whittington and M. Bryan, this matter will be moved to the next agenda.

IN THE MATTER OF REVIEW/DISCUSS VIDEO SERVICES AGREEMENT

At the request of Council Members L. Bryan and Whittington, this matter will be moved to the next agenda.

9. ADJOURNMENT

There being no further business to come before the City Council, upon a motion

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by Councilman Whittington and a second by Councilman Palmer, the council voted unanimously to adjourn the regular meeting at 7:45 p.m.

PRESIDENT

ATTEST:

CLERK OF THE COUNCIL

APPROVED:

MAYOR